



March 16, 2023

Nancy Wright  
212.915.5854 (direct)  
Nancy.Wright@wilsonelser.com

**VIA ECF**

Hon. Jennifer H. Rearden  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1010  
New York, New York 10007

Re: *Mahulawde v. Fashion Institute of Technology et al.*  
Docket No.: 21-CV-3878 (PAE)  
Our File No.: 22643.00009

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Dear Judge Rearden:

We represent the Defendants, Fashion Institute of Technology, Joseph Maiorca, Roberta Paley, and Roberta Degnore, in the above-referenced matter. We write jointly with Plaintiff's counsel respectfully to submit a joint status update in accordance with the Court's Order dated March 10, 2023.

***Meet and Confer***

As ordered, counsels conducted the required meet-and-confer conference regarding outstanding discovery disputes on March 15, 2023. As detailed below, the parties agreed to provide the requested documents and information, to the extent possible, within thirty (30) days. Accordingly, the Parties respectfully request that the status conference on Friday, March 17, 2023 be adjourned.

***Status of Discovery Disputes***

**Defendants' Discovery Requests to Plaintiff:**

- *Plaintiff's Therapy Notes from Yvonne Hoffman*: As detailed in Part I of Defendants' February 23, 2023 letter motion to the Court ("Defendants' Letter"), Defendants requested

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150 East 42nd Street | New York, NY 10017 | p 212.490.3000 | f 212.490.3038 | wilsonelser.com

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an authorization for the therapy notes from Plaintiff's treating provider, Yvonne Hoffman. After discussion, Plaintiff's counsel has agreed to provide the requested authorization within the agreed-upon time.

- *Plaintiff's Records from Riverside Sexual Health Clinic:* As detailed in Part II of Defendants' Letter, Defendants requested an authorization for and copies of Plaintiff's medical records from Riverside Sexual Health Clinic. During yesterday's meet-and-confer, Plaintiff's counsel advised that he had located additional potential avenues for these records and had made subsequent attempts to attain them, including a request to the N.Y.C. Department of Health and Hygiene, as described in Defendants' Letter. Plaintiff's counsel further agreed to continue his efforts, which will include contacting the Inspector General within the N.Y.C. Department of Investigation, as suggested in Defendant's Letter. To the extent these records are not attainable, Plaintiff's counsel further agreed to create an attestation to his attempts to locate same at the close of discovery and Defendants in turn will reserve their rights to make any applicable motion related to the admissibility of these records and the condition to which they relate.

Plaintiff's Discovery Requests to Defendants:

- *Non-Party Test Messages:* As detailed in Part I(A) of Plaintiff's February 21, 2022 letter motion to the Court ("Plaintiff's Letter"), Plaintiff requested certain text messages of non-party Professor Dan Benkendorf. Professor Benkendorf was out of the country immediately following his deposition and Plaintiff's request, but is now back and will produce the text messages, which Defendants' counsel will review and disclose the relevant text messages within the agreed-upon time frame.
- *Extensive activity log:* As detailed in Part I(B) of Plaintiff's Letter, Plaintiff requested the "extensive activity log" mentioned in a footnote of documents authored by non-party witness Deliwe Kekana, bearing Bates stamps FIT000759 and FIT000774, which Ms. Kekana testified was a reference to certain underlying emails and calendar invites. Ms. Kekana will produce same to Defendant's counsel, who will review and disclose the relevant portions of the same within the agreed-upon time.
- *Audit Documents:* As detailed in Part I(C) of Plaintiff's Letter, Plaintiff requested documents related to an "audit" referred in document bearing Bates stamp FIT000342, relative to non-party witness Paul Clement. As detailed in Defendants' February 22, 2023 letter in response to Plaintiff's Letter ("Defendants' Response"), Paul Clement confirmed during his deposition testimony that no such "audit" documents exist.
- *Subpoena of Non-Party Dr. Praveen Chaudhry:* As detailed in Part II of Plaintiff's Letter, Plaintiff attempted service on Dr. Praveen Chaudhry on or around February 17, 2022 at his FIT workplace. As stated in Defendants' Response, Defendants did not have prior knowledge of this service attempt, did not know about it as it was happening, and did not find out about issues attendant to the attempted service until the issue was raised by Plaintiff's counsel. Defendants subsequently communicated with FIT's General Counsel's office regarding the proper procedure for process servers who present to FIT's security

guards. Defendants further agreed to put FIT's security guards on notice that such service will be re-attempted, upon Plaintiff's counsel's advance notice of the general expected time frame of same to avoid any further issues.

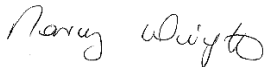
***Case Deadline Updates***

As discussed above, Counsels agreed to produce the aforementioned documents and information within thirty (30) days. Plaintiff's counsel further anticipates the previously referenced non-party deposition of Dr. Choudhry. Accordingly, counsel jointly requests that: (i) the Friday, March 17, 2023 conference be adjourned; and (ii) discovery be re-opened and extended **through and including May 25, 2023** in order to complete the foregoing discovery.

We thank the Court for its attention to this matter.

Respectfully submitted,

**WILSON ELSE MOSKOWITZ EDELMAN & DICKER LLP**



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Nancy A. Wright  
Corrine Shea  
*Attorneys for Defendants*  
150 E 42nd St.  
New York, NY 10017  
Nancy.Wright@wilsonelser.com  
Corrine.Shea@wilsonelser.com

**SEPPINNI LLP**

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*s/ Shane Seppinni*  
Shane Seppinni  
*Attorneys for the Plaintiff*  
43 W 43rd St., Suite 256  
New York, New York 10036  
shane@seppinnilaw.com